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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:4124 of 2003

DATED: 10-11-2006

Between:

1. The Commissioner and Inspector General of Registration and Stamps, Hyderabad and another

..... PETITIONERS

AND

Mohd.Siddique

.....RESPONDENT

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ORDER: (per The Hon'ble Sri Justice B.Prakash Rao)

In this writ petition, the petitioners seek to assail the orders passed on the application filed under Section 19 of the Administrative Tribunals Act, 1985, in O.A.No.4407 of 2001 dated 25-04-2002 setting aside the orders of dismissal passed against

the respondent-employee as per the proceedings dated 12-07-2000 and also the subsequent proceedings dated 22-05-2001.

The main grievance of the petitioners is that the respondent had approached the Tribunal refracting the orders of dismissal and the same was allowed only on the ground that the charges have been framed by the enquiry officer subsequent to his appointment, which is not permissible.

The learned Government Pleader points out that in fact even as per the record and the proceedings at various stages, it is quite apparent that the enquiry officer was appointed only on 18-06-1993 and the charges were framed on 20-04-1993. A report has been filed on 10-11-1993. Therefore, it cannot be said that the charges have been framed subsequent to the appointment or by the enquiry officer himself. Even otherwise, it has been pointed out that having regard to the latest position in law as held by the larger Bench of this Court nothing can be attributed as against the framing of charges by the enquiry officer also.

Learned counsel, Smt.K.N.Vijayalakshmi appearing for the respondent, sought to withhold the aforesaid contentions and even otherwise she has raised several other grounds in support of the main application filed before the Tribunal which have not been considered except to the extent that the charges were framed

subsequently only by the enquiry officer.

Having heard the learned counsel on both sides and also on perusal of the material available on record, it is seen that the impugned order does not give any findings in respect of any other aspect that has been raised by the petitioners herein. The application was allowed only on the ground that the charges were framed by the enquiry officer.

Having regard to the same, and especially, in view of the principles as held, it cannot be said that the enquiry officer has no bar at all to frame the charges. Be that as it may, since all other points have to be considered, we deem it appropriate that the matter be reconsidered afresh and disposed of on merits in accordance with law, allowing the respondent-applicant to canvass all such points.

The writ petition is accordingly allowed. The order in O.A.No.4407 of 2001 is set aside and the matter is remitted to the Tribunal for fresh disposal on merits and in accordance with law after giving notice and opportunity to both sides. The Tribunal shall dispose of the main OA, as expeditiously as possible, not later than three months from the date of receipt of a copy of this order. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

10th November, 2006

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